

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JESUS TORIVIO ARIAS)	
)	
v.)	Civ. No. 05-10417-NMG
)	
UNITED STATES)	

RESPONDENT'S MOTION TO ENLARGE TIME TO RESPOND TO SECTION 2255

Now comes the United States of America, by its attorneys, Michael J. Sullivan, United States Attorney, and David Hennessy, Assistant U.S. Attorney, and hereby moves to enlarge the time to respond to a petition filed in the above-referenced case for relief under 28 U.S.C. § 2255.

As grounds therefor, the government states as follows:

1. On April 29, 2003, this Court sentenced Jesus Torivio Arias, based on his guilty plea to Conspiracy to distribute cocaine base, and distribution of cocaine base, in violation of 21 U.S.C. §§ 846 and 841(a), to a term of 360 months imprisonment.

2. In March 2005, Tejada moved to vacate, set aside, or correct his sentence, pursuant to 28 U.S.C. § 2255. By order dated April 5, 2006, this Court ordered the government to respond within 20 days of receipt of the Court's Order. The government received the Court's order and the petition on April 11, 2006.

3. Counsel for the government requests 90 days from today's date, April 11, 2006, to respond. Counsel must obtain Torivio's

file from the location to which it was shipped for storage, and re-familiarize himself with the matter.

4. In addition, counsel has assumed the administrative duties of supervising the Worcester Branch Office and taken on a number of matters assigned to an Assistant U.S. Attorney, who left the office. Finally, counsel has a matter scheduled for trial in June 2006, United States v. Fafard, 04-40027-FDS, and will be using the month of May to prepare for the trial.

5. Torivio is currently serving a sentence of 360 months. The government respectfully submits that allowing this motion will not adversely affect his rights.

6. No prior motion for a continuance has been made.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ David Hennessy
David Hennessy
Assistant U.S. Attorney

ss. Worcester

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by U.S. Mail on the 12th day of April, 2006 on Jesus Torivio Arias, USP-McCreary, P.O. Box 3000, Pine Knot, Kentucky, 42635-3000.

/s/ David Hennessy
David Hennessy
Assistant U.S. Attorney